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Attorneys for Justin Rector

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR COUNTY OF MOHAVE

STATE OF ARIZONA,)	CR2014-01193
)	
PLAINTIFF,)	
)	
v.)	DEFENDANT JUSTIN RECTOR'S
)	MOTION TO FILE EX PARTE
JUSTIN JAMES RECTOR,)	MOTION RELEVANT TO
)	DUE PROCESS ISSUE
DEFENDANT.)	
)	HONORABLE LEE JANTZEN

Pursuant to this Court's February 13, 2017 ruling, Mr. Rector, through undersigned counsel, hereby files this request to file a motion regarding a request for confidential documents integral to counsel's mitigation presentation *ex parte*. Filing the motion *ex parte* is appropriate on the basis it contains references to sensitive material and may be prejudicial.

The United States Constitution guarantees criminal defendants a "meaningful opportunity to present a defense. The Fourteenth Amendment of the United States Constitution provides in relevant part, "...[N]or shall any State



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1 deprive any person of life, liberty, or property, without due process of law; nor
2 deny to any person within its jurisdiction the equal protection of the laws.”
3 *Fourteenth Amendment, U.S. Constitution.* Due process embodies the
4 fundamental notions of fairness and incorporates “safeguards which are
5 fundamental rights and essential to a fair trial.” *Specht v. Patterson*, 386 U.S.
6 605, 609-610 (1967). In capital cases, the Eighth Amendment requires
7 heightened reliability because death is a qualitatively different punishment. *E.g.*,
8 *Lockett v. Ohio*, 438 U.S. 586 at 604 (plurality opinion) (1978). Counsel needs
9 access to the sensitive materials to determine whether there is a Due Process issue
10 in this case and to meet their ethical obligations to vigorously pursue Mr. Rector’s
11 defense. Because of the sensitive nature, the request must be filed *ex parte*.
12

13 Respectfully submitted this 1st day of March, 2017.
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17 GERALD GAVIN
18 Counsel for Defendant

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20 JULIA CASSELS
21 Counsel for Defendant
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1 Original filed this _____ day of
2 _____, 2017 and

3 hand-delivered to:

4 Clerk of the Court
5 Mohave County
6 401 E. Spring Street
7 Kingman, Arizona 86401

8 Honorable Lee Jantzen
9 401 E. Spring Street, 2d Floor
10 Kingman, Arizona 86401

11 Mr. Greg McPhillips
12 Assigned Deputy County Attorney
13 Mohave County Attorney's Office
14 PO Box 7000
15 Kingman, Arizona 86401

16 Mr. Justin Rector
17 Mohave County Jail

18 Client File
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